

Application No. 09/866,014
Amendment dated Aug. 24, 2004
Reply to Office action of May 28, 2004

REMARKS

The Amendments

The specification has been amended to correct obvious typographical and clerical errors. No new matter has been added.

Non-elected claims 1-10 have been cancelled without prejudice. Claim 11 has been amended in accordance with the Examiner's suggestion to specify "one **or** more additional five-card hands" instead of "one more additional five-card hands."

The Election/Restriction Requirement

An election/restriction requirement has been made between Species I, claims 1-10 related to a method of playing draw poker where the cards of each hand are dealt in turn, and Species II, claims 11-26 related to a method of playing poker where a hand is dealt and the discarded cards are placed into positions provided for one or more additional other hands. Applicant elects Species II, claims 11-26, with traverse. Within said Species, Applicant elects the species of claim 13. Claims generic to this species are claim 11, claim 16, claim 17, claim 18, claim 19, claim 22, claim 23, claim 24, claim 25 and claim 26. It is understood that the species of claim 13 were first to be examined, and, if found to be allowable, claims 11-26 will be examined. Since the only rejection of these claims made in the Office Action was an obviousness-type double patenting rejection which is being overcome by a Terminal Disclaimer, it is submitted that all of claims 11-26 are allowable.

The restriction/election requirement is respectfully traversed, in that examination of both species will not be an undue burden upon the examiner.

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The Objection to Claim 11

Claim 11 has been objected to because of a clerical error. This error has been corrected, which should overcome the objection.

The Double Patenting Rejection

Claims 11-26 have been rejected for obviousness-type double patenting over the claims of U.S. Patent No. 6,270,405. This rejection is overcome by the submission of a Terminal Disclaimer.

The Prior Art Cited

The Examiner is thanked for bringing additional prior art, not relied upon, to Applicant's attention.

Conclusion

A Terminal Disclaimer accompanies this Response together with a check in the amount of \$55 in payment of the fee therefor. It is believed that no additional fee is due with the submission of this Amendment and Terminal Disclaimer. If this is incorrect, however, please charge any required fee or the fee for any extension of time required to Deposit Account No. 07-1969.

It is believed that this application is now in condition for allowance and passage to issuance is respectfully requested.

Respectfully submitted,



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